

IN THE DRAWINGS:

Submitted herewith are two (2) replacement sheets for the Figures 38 and 39.

REMARKS

Applicant has amended the claims 3, 5, 6, 10, 11, 12, 14, 16 and 17, canceled claims 1, 2 and 4 without prejudice and amended the drawings. Applicant respectfully submits that these amendments to the claims and the drawings are supported by the application as originally filed and do not contain any new matter. Accordingly, the Office Action will be discussed in terms of the claims and drawings as amended.

The Examiner has rejected to the drawings stating that the Figures 38 and 39 should be labeled as prior art. Submitted herewith are two (2) replacement sheets for the Figures 38 and 39 labeling them as prior art.

The Examiner has rejected the claims 1 through 20 under 35 USC 112, second paragraph as being indefinite. In view of the amendments to the claims, Applicant respectfully submits that the claims 3 and 5 through 20 comply with the requirements of 35 USC 112, second paragraph.

The Examiner has rejected the claims 1 through 4, 6/1-4, 7, 17 and 20 under 35 USC 103 as being obvious over Lutz '508 in view of Lutz '564 and further in view of Lutz '196 stating that Lutz '508 discloses a cargo box 10 having floor 16 movable via anterior cylinder 302, movable partition wall 34 that can act as a stopper and which may be latched or allowed to move in association with the floor, a first flexible drive member 152 fixed at a right posterior 154, the other end fixed to a left anterior and 156 stretched between rotary bodies 158 and 160, second flexible drive member 162 fixed at a left posterior 164 and right anterior 166, stretched between rotary bodies 168 and 170 forming a stack with the other rotary bodies 158 and 160, the flexible drive members 152 and 162 crossing, but fails to disclose that the flexible drive members are chains and that the sprocket is used to engage the bulk-head with the drive members and fails to disclose a rack rail selectively engaged by a cam; Lutz '196 teaches moving a bulk head by carrying a motor and a sprocket 80 connected to a chain 34; Lutz '564 discloses a rack rail selectively engaged by a cam 96; and it would have been obvious to one of ordinary skill in the art to modify Lutz '508 in view of the teachings of Lutz '564 and Lutz '196.

Applicant has carefully reviewed Lutz '508 and respectfully submits that the first flexible drive member 152 is a cable, as is the second flexible drive member, all of which is admitted by the Examiner. Applicant respectfully submits that cables require pulleys and are

different in their function and operation from chains which engage with sprockets. Accordingly, Applicant respectfully submits that in Lutz '508 the rotary bodies 158 and 168 are pulleys. Still further, Applicant respectfully submits that Lutz '508 at column 6, line 39 indicates that the flexible drive members are not discussed and particularly no motor to drive the sprocket, as is required by Applicant's invention, is disclosed in Lutz '508. Still further, Applicant respectfully submits that column 6, line 39 et seq. merely discusses a means for moving the bulk head such as a hydraulic cylinder 302.

Applicant has carefully reviewed Lutz '196 and respectfully submits that in Lutz '196 the floor board is not movable and only a latching board is movable to the front and back by a cable. Therefore, Applicant respectfully submits that Lutz '196 operates similarly to a belt conveyer and the combination therewith Lutz '508 would not be obvious to one of ordinary skill in the art since they are substantially different in their operation and construction.

Applicant has also carefully reviewed Lutz '564 and respectfully submits that the elements 94 and 96 comprise a ratchet assembly which includes a ratchet track 94 and a pawl 96. Also, Applicant respectfully submits that the groove in Lutz '564 is provided in the movable support 34. Still further, Applicant respectfully submits that Lutz '564 utilizes cables and not chains.

In view of the above, therefore, Applicant respectfully submits that not only is the combination suggested by the Examiner not Applicant's invention but also the combination suggested by the Examiner would not be obvious to one of ordinary skill in the art. Therefore, Applicant respectfully submits that the claims 3, 6, 7, 17 and 20 are not obvious over Lutz '508 in view of Lutz '564 and further in view of Lutz '196.

The Examiner rejects the claims 5/4, 5/3, 8-9/7-8, 10-11/1, 3, 7, 18 and 19/17-18 under 35 USC 103 as being obvious over Lutz '508 in view of Lutz '564 and further in view of Lutz '196 and further in view of Lutz '290 stating that the combination of Lutz '508, Lutz '564 and Lutz '196 discloses all of Applicant's invention except for flexible seals; Lutz '290 discloses the use of flexible seals; and it would have been obvious to modify the combination of Lutz '508, Lutz '564 and Lutz '196 in view of the teachings of Lutz '290.

In reply to this rejection, Applicant would like to incorporate by reference his comments above concerning Applicant's invention, Lutz '508, Lutz '564 and Lutz '196 and respectfully submits that not only is this combination not substantially all of Applicant's

invention but also the combination would not be obvious to one of ordinary skill in the art. In addition, Applicant has carefully reviewed Lutz '290 and respectfully submits that while it may disclose seals, it merely discloses a movable floor with a bottom or board divided into two separately movable pieces. In addition, Applicant respectfully submits that the seals in Lutz '290 are for the purpose of preventing liquids of seeping out of the box (see column 7, lines 15-25) and are not for the purposes of preventing material from getting into the track.

In view of the above, therefore, Applicant respectfully submits that the combination suggested by the Examiner is not only not Applicant's invention but also would not be obvious to one of ordinary skill in the art. Therefore, Applicant respectfully submits that the claims 5/4, 5/3, 8-9/7-8, 10-11/1, 3, 7, 18 and 19/17-18 are not obvious over Lutz '508 in view of Lutz '564 and Lutz '196 and further in view of Lutz '290.

The Examiner has further rejected the claims 12-14 and 16 under 35 USC 103 as being obvious over Lutz '508 in view of Lutz '564 and Lutz '196 and further in view of Bowles stating that the combination of Lutz '508, Lutz '564 and Lutz '196 disclose all of the present invention except for a cargo loading opening on the roof or side wall; Bowles teaches a load opening 32 at the anterior body 14 close to the access port 34 having a hinged door; and it would have been obvious to modify the combination of Lutz '564, Lutz '508 and Lutz '196 as taught by Bowles.

In reply to this rejection, Applicant would like to incorporate by reference his comments above concerning Applicant's invention and Lutz '564, Lutz '508 and Lutz '196.

In addition, Applicant has carefully reviewed Bowles and respectfully submits that while Bowles may disclose an access port, the invention of Bowles is entirely different from that of Lutz '508 and Applicant's invention. In particular, in Bowles the floor board is not movable and is provided with a push-up plate positioned in an upper and lower direction such that when the cylinder is actuated to extend and retract, to move forward or rearward, a cargo is collected or disposed of. As a result of this construction and the fact that Bowles discloses a garbage truck, the access port is located in the front part and not adjacent the rear access so that refuse may be dumped into the front portion and compacted by the ram and it is only after all the refuse is compacted that the rear access port is opened. Accordingly, Applicant respectfully submits that there is no suggestion or teaching in Bowles that a cargo loading opening would be provided on the roof or the side wall adjacent the access port.

In view of the above, therefore, Applicant respectfully submits that not only is the combination suggested by the Examiner not Applicant's invention but also the combination suggested by the Examiner would not be obvious to one of ordinary skill in the art.

Therefore, Applicant respectfully submits that the claims 12-14 and 16 are not obvious over Lutz '508 in view of Lutz '564 and Lutz '196 and further in view of Bowles.

The Examiner has further rejected the claim 15 under 35 USC 103 as being obvious over Lutz '508 in view of Lutz '564 and Lutz '196 and Bowles and further in view of Fors stating that the combination of Lutz' 508 in view of Lutz '564, Lutz '196 and Bowles discloses all of Applicant's invention except for extending a flexible mat in order to facilitate loading cargo; Fors discloses extending a flexible mat in order to facilitate cargo loading; and it would have been obvious to modify the combination of Lutz '508, Lutz '564, Lutz '196 and Bowles in view of the teachings of Fors.

In reply to this rejection, Applicant would like to incorporate by reference his comments above concerning Lutz '508, Lutz '564, Lutz '196 and Bowles. In addition, Applicant has carefully reviewed Fors and respectfully submits that Fors teaches essentially a conveyer belt which is provided in the cargo box and the generally upright rigid barrier 74 with the main wall 78 is rigidly attached to the belt 68 and not unlatchable therefrom.

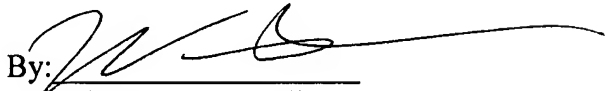
In view of the above, therefore, Applicant respectfully submits that the combination suggested by the Examiner is not only not Applicant's invention but also would not be suggested to one of ordinary skill in the art. Accordingly, Applicant respectfully submits that the claim 15 is not obvious Lutz '508 in view of Lutz '564, Lutz '196 and Bowles and further in view of Fors.

Applicant further respectively and retroactively requests a three (3) month extension of time to respond to the Office Action and respectfully requests that the extension fee in the amount of \$1,050.00 be charged to QUINN EMANUEL DEPOSIT ACCOUNT NO. 50-4367.

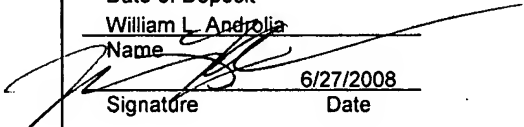
In view of the above, therefore, it is respectfully requested that this amendment be entered, favorably considered and the case passed to issue.

Please charge any additional costs incurred by or in order to implement this
Amendment or required by any requests for extensions of time to QUINN EMANUEL
DEPOSIT ACCOUNT NO. 50-4367.

Respectfully submitted,

By: 
William L. Androlia
Reg. No. 27,177

Quinn Emanuel Urquhart Oliver & Hedges, LLP
Koda/Androlia
865 S. Figueroa Street, 10th Floor
Los Angeles, California 90017
Telephone: 213-443-3000
Facsimile: 213-443-3100
E-mail: thomasedison@quinnemanuel.com

Certificate of Mailing	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:	
Commissioner for Patents	
P.O. Box 1450	
Alexandria, VA 22313-1450, on	
<u>June 27, 2008</u>	
Date of Deposit	
<u>William L. Androlia</u>	
Name	
	<u>6/27/2008</u>
Signature	Date